

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
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11 Plaintiff,
12 v.
13 WYLIE G. HUNTER,
14 Defendant.

CASE NO. CR05-0022-JCC
ORDER

15 This matter comes before the Court on Defendant Wylie Hunter's unopposed motion for
16 early termination of supervised release (Dkt. No. 42).¹ Having thoroughly considered the motion
17 and the relevant record, the Court finds oral argument unnecessary and hereby DENIES the
18 motion for the reasons explained herein.

19 **I. BACKGROUND**

20 In May 2005, Mr. Hunter pled guilty to one count of bulk cash smuggling. (Dkt. No. 14.)
21 Mr. Hunter was sentenced to four months of imprisonment followed by three years of supervised
22 release. (Dkt. No. 19.) In August 2007, while Mr. Hunter was on supervised release, he was
23 arrested in Idaho for possession of marijuana with intent to deliver. (Dkt. No. 36.) Mr. Hunter
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25 ¹ Mr. Hunter is currently under supervision in Idaho, and has represented in his briefing
26 that his U.S. Probation officer has taken a "neutral position" to Mr. Hunter's motion for early
termination. (Dkt. No. 42 at 2–3.)

1 pled guilty in Idaho state court and served a 10-year sentence. (Dkt. No. 36.)

2 On October 18, 2017, following the completion of his Idaho sentence, Mr. Hunter
3 initially appeared for proceedings on revocation of his supervised release. (Dkt. No. 30.) On
4 October 27, 2017, the Court imposed a sentence of time served followed by 18 months of
5 supervised release. (Dkt. No. 37.) Mr. Hunter now moves for early termination of his period of
6 supervised release, which is scheduled to end on April 27, 2019. (Dkt. No. 42.)

7 **II. DISCUSSION**

8 The Court may terminate a term of supervised release at any time after the defendant has
9 served at least one year of the term if it finds that termination is warranted by the defendant's
10 conduct, and that doing so is in the interests of justice. 18 U.S.C. § 3583(e)(1). When ruling on a
11 motion for early termination, the Court must consider various factors, including the nature of the
12 defendant's crime, the defendant's characteristics, the need to protect the public from further
13 criminal conduct, the need to provide the defendant access to correctional support, and the need
14 to avoid unwarranted sentencing disparities among similarly-situated defendants. *Id.* (citing
15 factors in 18 U.S.C. § 3553(a)).

16 Mr. Hunter is 63 years old, and had a Category 1 criminal history when he committed his
17 federal offense. (Dkt. No. 42.) Mr. Hunter has complied with the terms of his supervised release
18 over the past year, and will continue to be under supervision in Idaho following the expiration of
19 federal supervision. (*Id.*) Mr. Hunter has expressed a desire to go to Arizona to undergo surgery
20 to address injuries he sustained in 2017 so that friends and family may assist in his recovery.
21 (*Id.*) Mr. Hunter also notes that his sentence under Idaho state law for his recent criminal activity
22 was significantly longer than if he had been sentenced under federal law. (Dkt. Nos. 35, 42.)

23 Mr. Hunter's compliance with the terms of his present period of supervised release is
24 commendable, and the Court acknowledges the substantial sentence he served in Idaho. But Mr.
25 Hunter's present period of supervised release was necessitated by his commission of various
26 violations of his prior term of supervised release, including a serious criminal offense: possession

1 with intent to distribute approximately 75 pounds of marijuana. (Dkt. Nos. 36, 37, 42.) When the
2 court imposed the present period of supervised release, it considered many of the factors that Mr.
3 Hunter now asserts justify early termination: his age, his criminal history category when he was
4 initially sentenced, his criminal conduct in Idaho, and his continued supervision in Idaho
5 following the expiration of his federal supervision. (*See*, Dkt. Nos. 35, 36). Mr. Hunter's desire
6 to go to Arizona for medical treatment does not merit early termination of his present term of
7 supervised release in light of the seriousness of his underlying criminal conduct.

8 **III. CONCLUSION**

9 For the foregoing reasons, Defendant Wylie Hunter's motion for early termination of
10 supervised release (Dkt. No. 42) is DENIED.

11 DATED this 4th day of January 2019.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE